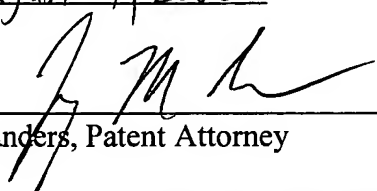




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ELECTION UNDER
35 USC §121
Examining Group 1653
Patent Application
Docket No. MA-43CDF2D4
Serial No. 10/825,751


Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert A. Wax
Art Unit : 1653
Applicant(s) : Jewel Payne, August J. Sick
Serial No. : 10/825,751
Conf. No. : 8529
Filed : April 16, 2004
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests,
and Genes Encoding Novel Lepidopteran-Active Toxins

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT AND
ELECTION UNDER 35 USC §121

Sir:

In response to the Restriction Requirement dated July 6, 2006, election is hereby made as discussed below in the Remarks section. Please amend the specification as follows: